

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JAMES B. GARCIA, #0643986,

Plaintiff,

v.

SERGEANT C. KRIEGER, *et al.*,

Defendants.

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Civil Action No. **3:14-CV-2291-L**

ORDER

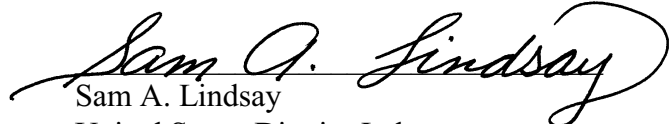
The case was referred to Magistrate Judge Irma Carrillo Ramirez, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on August 18, 2014, recommending that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute or comply with court orders. No objections to the Report were filed and there has been no activity in the case since the Report was issued.

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions are correct, **accepts** them as those of the court, and **dismisses without prejudice** this action pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute or comply with court orders.

The court **certifies** that any appeal of this action would not be taken in good faith and **denies** a certificate of appealability. *See* 28 U.S.C. § 1915(a)(3). In support of this finding, the court **adopts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the Report, the court finds that any appeal of this action would present no legal

point of arguable merit and would therefore be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

It is so ordered this 6th day of October, 2014.


Sam A. Lindsay
United States District Judge